



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

VIA ELECTRONIC MAIL

March 24, 2023

Peter R. Marksteiner, Clerk
United States Court of Appeals
for the Federal Circuit
717 Madison Place, N.W., Room 401
Washington, DC 20439

Subject: *Team Systems International, LLC v. Secretary of the Department of Homeland Security* (CAFC No. 23-1556)

Dear Mr. Marksteiner:

The Board acknowledges receipt on March 6, 2023, of the Court's request for a certified list in *Team Systems International, LLC v. Secretary of the Department of Homeland Security*, CAFC No. 23-1556, as described in Federal Rule of Appellate Procedure 17(b), to be transmitted to your office.

Enclosed herewith is a certified list of the record of the proceedings before this Board. The Board is retaining the record as described in Federal Circuit Rule 17(a), subject to further orders from the Court.

Sincerely,

Scott W. Sylke

SCOTT W. SYLKE
Clerk of the Board

Enclosure (as stated)

CAFC No. 23-1556 [CBCA 7145]

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing letter, with the enclosed Certified List of Record of Board Proceedings, was sent via electronic mail on this 24th day of March, 2023, to the following:

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Scott W. Sylke

SCOTT W. SYLKE
Clerk of the Board

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

TEAM SYSTEMS INTERNATIONAL, LLC)	
)	
Appellant,)	
)	
v.)	
)	CAFC No. 23-1556
SECRETARY OF THE DEPARTMENT)	
OF HOMELAND SECURITY,)	
)	
Appellee.)	
)	

CERTIFIED LIST OF RECORD OF BOARD PROCEEDINGS

The final decision and interlocutory orders of the U.S. Civilian Board of Contract Appeals (CBCA or Board), that are before the Court for review are the Board's decision of February 9, 2023, and interlocutory orders dated January 27, 2022, and December 9, 2022, in *Team Systems International, LLC v. Department of Homeland Security*, CBCA 7145. The record in CBCA 7145 consists of the Board's correspondence files and the Rule 4 appeal file. A chronological list of these records, including a description of each record, follows.

I. The Board's correspondence files include the following records:

No.: Date Filed: Description:

1. 06/09/2021 Appellant's Notice of Appeal and Entry of Appearance (Lawrence J. Sklute of Sklute & Associates).
2. 06/10/2021 Board's Notice of Docketing and Assignment of Judge Patricia J. Sheridan.
3. 06/14/2021 Board's Initial Scheduling Order.
4. 06/16/2021 Respondent's Notice of Appearance (Jeffrey D. Webb, Matthew Lane, and Rafael Lara, Jr.).
5. 07/08/2021 Appellant's Complaint.

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No.: Date Filed: Description:

6. 07/12/2021 Respondent's Emails Transmitting Its Rule 4 Appeal File.
7. 07/20/2021 Appellant's First Amended Complaint.
8. 08/12/2021 Appellant's Email Transmitting Its Rule 4 Appeal File Supplement.
9. 08/19/2021 Respondent's Answer to Appellant's First Amended Complaint.
10. 08/25/2021 Board's Scheduling Order.
11. 09/07/2021 Appellant's Notice of Withdrawal of Appearance (Lawrence J. Sklute).
12. 09/08/2021 Appellant's Notice of Appearance (James Y. Boland, Christopher G. Griesedieck, and Lindsay M. Reed of Venable LLP).
13. 09/14/2021 Joint Status Report.
14. 09/15/2021 Respondent's Tentative Witness List.
15. 09/15/2021 Appellant's Tentative Witness List.
16. 10/05/2021 Joint Status Report.
17. 10/15/2021 Appellant's Motion to Suspend Discovery Deadlines.
18. 10/18/2021 Board's Order Granting Motion to Suspend Discovery.
19. 10/28/2021 Appellant's Motion for Summary Judgment with Appellant's Statement of Undisputed Material Facts and Declaration of Team Systems International, LLC.
20. 10/28/2021 Joint Statement of Undisputed Material Facts.
21. 10/29/2021 Board's Scheduling Order.
22. 11/02/2021 Joint Status Report.

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No.: Date Filed: Description:

- 23. 11/30/2021 Respondent's Opposition to Appellant's Motion for Summary Judgment with Statement of Genuine Issues and Declaration of Monique Park.
- 24. 11/30/2021 Respondent's Cross-Motion for Summary Judgment with Joint Statement of Undisputed Material Facts (dated October 28, 2021).
- 25. 12/02/2021 Appellant's Unopposed Motion to Consolidate Briefing Schedule.
- 26. 12/02/2021 Board's Scheduling Order.
- 27. 12/07/2021 Joint Status Report.
- 28. 12/30/2021 Appellant's Reply in Support of Its Motion for Summary Judgment and Opposition to Respondent's Motion for Summary Judgment with Appellant's Response to Respondent's Statement of Genuine Issues.
- 29. 01/04/2022 Joint Status Report.
- 30. 01/14/2022 Respondent's Reply in Support of Its Cross-Motion for Summary Judgment.
- 31. 01/27/2022 Board's Decision Denying Appellant's and Respondent's Motions for Summary Judgment.
- 32. 02/01/2022 Joint Status Report and Appellant's Unopposed Motion to Stay Telephonic Conference.
- 33. 02/18/2022 Board's Order on Further Proceedings.
- 34. 03/01/2022 Joint Status Report and Request to Extend Discovery.
- 35. 03/09/2022 Board's Scheduling Order.
- 36. 03/21/2022 Respondent's Notice of Entry of Appearance (Sarah Jaward).
- 37. 03/31/2022 Appellant's Emergency Motion to Stay Schedule.
- 38. 03/31/2022 Board's Order Staying Deadlines.

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No.: Date Filed: Description:

- 39. 04/05/2022 Board's Order Scheduling Telephonic Conference.
- 40. 04/14/2022 Appellant's Notice of Appearance as Chapter 7 Trustee (David W. Carickhoff of Archer & Greiner, P.C.).
- 41. 04/14/2022 Appellant's Amended Notice of Appearance as Chapter 7 Trustee (David W. Carickhoff of Archer & Greiner, P.C.).
- 42. 04/15/2022 Board's Conference Memorandum and Order.
- 43. 06/27/2022 Appellant's Unopposed Motion to Extend Deadline for Proposed Schedule.
- 44. 06/28/2022 Board's Order Granting Appellant's Motion to Extend Deadline.
- 45. 07/15/2022 Joint Proposed Schedule.
- 46. 07/18/2022 Board's Scheduling Order.
- 47. 08/24/2022 Respondent's Motion for Summary Judgment with Statement of Undisputed Material Facts.
- 48. 08/24/2022 Board's Scheduling Order.
- 49. 08/24/2022 Appellant's Motion to Compel Discovery.
- 50. 08/26/2022 Board's Order Directing Appellant to Respond to the Board's Inquiry.
- 51. 08/29/2022 Appellant's Response to the Board's August 26, 2022 Order.
- 52. 09/23/2022 Appellant's Opposition to Respondent's Motion for Summary Judgment with Appellant's Statement of Genuine Issues.
- 53. 09/23/2022 Appellant's Email Transmitting Its Rule 4 Appeal File Supplement.
- 54. 09/30/2022 Respondent's Reply in Support of Its Motion for Summary Judgment.
- 55. 09/30/2022 Respondent's Objection to Proposed Supplement to the Appeal File.

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No.: Date Filed: Description:

- 56. 10/03/2022 Joint Motion to Stay Schedule.
- 57. 10/04/2022 Board's Order Denying Joint Motion to Stay Schedule.
- 58. 10/05/2022 Joint Statement of Facts and Joint Statement of the Issues.
- 59. 10/11/2022 Board's Scheduling Order.
- 60. 10/14/2022 Appellant's Reply to Respondent's Objection to Appellant's Supplement to the Appeal File.
- 61. 10/19/2022 Appellant's Motion for Judgment on the Record.
- 62. 11/15/2022 Respondent's Motion for Summary Judgment on the Record.
- 63. 11/28/2022 Appellant's Reply in Support of Its Motion for Judgment on the Record.
- 64. 12/09/2022 Board's Order Granting Respondent's Motion in Limine.
- 65. 12/15/2022 Respondent's Reply in Support of Its Motion for Judgment on the Record.
- 66. 02/09/2023 Board's Decision Denying Appeal.

II. The Rule 4 file compendium, submitted by the respondent and supplemented by the appellant, includes the following:

- a. Respondent's Rule 4 Appeal File, received by the Board on July 12, 2021, consists of exhibits 1 through 22 and was submitted via efile. A complete index with document dates and document descriptions is attached as enclosure 1.
- b. Appellant's Rule 4 Appeal File Supplement, received by the Board on August 12, 2021, consists of exhibits 23 through 27 and was submitted via efile. A complete index with document dates and document descriptions is attached as enclosure 2.

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- c. Appellant's Rule 4 Appeal File Supplement, received by the Board on September 23, 2022, consists of exhibit 28 through 30 and was submitted via efile. These exhibits have been excluded from the record pursuant to the Board's order dated December 9, 2022.

I, Scott W. Sylke, Clerk of the U.S. Civilian Board of Contract Appeals, certify that the list above represents the contents of the record relied upon by the Board in issuing the final decision of February 9, 2023, and the interlocutory orders dated January 27, 2022, and December 9, 2022, in *Team Systems International, LLC v. Department of Homeland Security*, CBCA 7145, which are currently on appeal before the United States Court of Appeals for the Federal Circuit.

Dated: March 24, 2023

Scott W. Sylke

SCOTT W. SYLKE

Clerk of the Board

Civilian Board of Contract Appeals

1800 M Street, NW, 6th Floor

Washington, DC 20036

Telephone: (202) 606-8800

Enclosure 1

United States Civilian Board of Contract Appeals

6th Floor, 1800 M Street, N.W.
Washington, DC 20036

TEAM SYSTEMS INTERNATIONAL, LLC,

Appellant,

v.

DEPARTMENT OF HOMELAND SECURITY,

Federal Emergency Management Agency,

Respondent.

CBCA Docket Nos. 7145

RULE 4 FILE INDEX

Pursuant to Rule 4 of the Civilian Board of Contract Appeals, the Respondent, the Department of Homeland Security, Federal Emergency Management Agency, hereby submits an electronic copy of the Rule 4 File Index and the following exhibits set forth herein. Respondent reserves the right to amend the Rule 4 File and the Rule 4 File Index.

Government Documents:

Exhibit	Description	Date
1	Contract No. HSFE70-17-D-0021 (“Base”)	09/05/2017
2	Base Modification P00001	03/02/2018
3	Base Modification P00002	09/05/2018
4	Base Modification P00003	09/14/2018
5	Base Modification P00004	09/14/2018
6	Task Order No. HSFE70-17-J-0273 (“Task Order”)	09/28/2017
7	Task Order Modification P00001	11/06/2017
8	Task Order Modification P00002	01/10/2018
9	Task Order Modification P00003	01/18/2018
10	Task Order Modification P00004	04/06/2018
11	Task Order Modification P00005	04/12/2018
12	Task Order Modification P00006	04/30/2018
13	Task Order Modification P00007	05/07/2018
14	Task Order Modification P00008	05/03/2019
15	Base Modification P00005	05/16/2019
16	Base Modification P00006	07/03/2019
17	Task Order Modification P00009	02/19/2020
18	Base Modification P00007	02/24/2020
19	Base Modification P00008	09/05/2020
20	TSI Claim	11/20/2020
21	Contracting Officer’s Final Decision (COFD)	04/30/2021
22	Emails Relevant to the Appeal	09/06/2017 – 01/06/2021

Enclosure 2

CBCA No. 7145
Team Systems International, LLC
Contract No. HSFE70-17-D-0021, Task Order No. HSFE70-17-J-0273
Team Systems International, LLC's Supplemental Rule 4 File Index
April 12, 2021

Exhibit No.	Description	Date
23	FEMA E-Mail and Request for Quotes for Delivery of Water to Puerto Rico due to Hurricane Maria	September 23, 2017
24	FEMA E-Mail and Task Order for Bottled Water in Support of Hurricane Florence	September 14, 2018 (4:04 pm)
25	FEMA E-Mail and Task Order for Bottled Water in Support of Hurricane Florence (fully executed)	September 14, 2018 (6:15 pm)
26	Public Voucher No. TSI-0021 for Florence Task Order for Delivery of Water under CLINs 1002AA, 1003AA, 1003AB and Restocking Fee under CLIN 1005	September 19, 2019
27	TSI's bank statement re: FEMA's Payment of Public Voucher No. TSI-0021	March 10, 2020